

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

UNITED STATES OF AMERICA,)	
)	
v.)	Case No. 1:16CR42
)	
ARDIT FERIZI,)	Hon. Leonie M. Brinkema
)	
Defendant)	
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**DEFENDANT’S REPLY TO GOVERNMENT’S POSITION ON SENTENCING
FACTORS AND RESPONSE TO DEFENDANT’S EXHIBIT 1.**

Ardit Ferizi, by and through counsel, respectfully files the following response to two arguments presented in the government’s *Position of the United States on Sentencing Factors and Government’s Response to Exhibit 1 of the Defendant’s Position With Regard to Sentencing Factors*.

First, the government contends that Mr. Ferizi’s conduct is like that of Adam Chesser, who was sentenced to 300 months in this district. Unlike Adam Chesser however, Mr. Ferizi did not intend to fight or commit any act of violence on behalf of a terrorist organization. Indeed, defendant Chesser was apprehended attempting to board a plane for Somalia (with his infant son) with the intention of fighting for a terrorist group.

Chesser also repeatedly solicited and invited others to commit *specific* acts of violence. Indeed, Chesser posted the following information on his extremist webpage: “E. the addresses of Comedy Central in New York, a production company associated with South Park in Los Angeles, California, and a link to a 2009 Huffington Post article that gave details of a residence shared by [victims] TP and MS in Colorado; and F. CHESSER's statement that his readers should ‘pay them a visit.’” US v. Chesser, Case No. 1:10-cr-395, Doc. No. 32, Statement of

Facts ¶ 23. He also posted “information pertaining to the manufacture and use of explosives and weapons of mass destruction” and “the TSA manual setting forth procedures used to prevent the smuggling of explosives and weapons onto commercial planes.” Doc. 46 Government’s Sentencing Memo, p. 7.

In contrast Mr. Ferizi admits that he sent ISIL information obtained from a database – names, email addresses, passwords, some phone numbers, and some general locations. While the information was used for propaganda, this information was neither directed at one individual or group of individuals, nor specific enough to reveal the address, workplace, or location of any of the individuals whose names were revealed. Indeed, an old-fashioned phone book with addresses contains more specific information. The information is also now undoubtedly stale, given the likelihood that the individuals at issue have been made aware of the need to change their passwords. Furthermore, Mr. Ferizi—unlike Adam Chesser—had no intention of fighting for ISIL or committing a violent attack on behalf of ISIL. As such, his conduct does not warrant the maximum sentence permitted by law.

Second, the government urges the Court to accord little weight to report of Defendant’s Exhibit 1, a forensic report by Dr. Aaron, filed under seal. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

and conclusions. Mr. Ferizi respectfully submits that the report provides the Court with important background information about Mr. Ferizi that is relevant to the Court's application of the 18 U.S.C. 3553(a) factors.

For these reasons and the reasons set forth in the Defendant's Position on Sentencing Factors, Mr. Ferizi respectfully submits that a sentence of 72 months will achieve the goals of sentencing.

Respectfully submitted,

ARDIT FERIZI

By Counsel,

Jeremy Kamens,
Federal Public Defender

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2016, I will electronically file the foregoing with the Clerk of court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Brandon Van Grack, Esq.
United States Attorney's Office
2100 Jamieson Avenue
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Pursuant to the Electronic Case Filing Policies and Procedures, a courtesy copy of the forgoing pleading will be delivered to Chambers within one business day of the electronic filing.

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